

**EXHIBIT F TO THE JUNE 26, 2008  
DECLARATION OF GREGORY I. RASIN, ESQ.**

1  
2 UNITED STATES DISTRICT COURT  
3 SOUTHERN DISTRICT OF NEW YORK

4 -----X  
5 JANNIE PILGRIM, GIOVANNA HENSON, JESAN  
6 SPENCER and BRENDA CURTIS,

7 Plaintiffs, Case No.

8 -against- 07CIV 6618

9 THE MCGRAW-HILL COMPANIES, INC.,

10 Defendant.

11 -----X  
ORIGINAL

12 April 15, 2008

13 2:30 p.m.

14  
15 Deposition of KENNETH CARUSO, held at  
16 the offices of Proskauer Rose, LLP, 1585  
17 Broadway, New York, New York, pursuant to  
18 notice, before Renate Reid, Registered  
19 Professional Reporter and Notary Public of  
20 the State of New York.  
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25

1 Kenneth Caruso

2 break is taken.

3 A. I understand.

4 Q. We will be noting any breaks that  
5 are taken and the time of the breaks.

6 A. Okay.

7 MS. BLOOM: Can I ask the court  
8 reporter for the time?

9 THE REPORTER: Yes. It's now  
10 2:32.

11 Q. Mr. Caruso, with whom are you  
12 currently employed?

13 A. With McGraw-Hill Company.

14 Q. In what capacity?

15 A. As the senior director of human  
16 resources for JD Power & Associates.

17 Q. Where is your office located?

18 A. In West Lake Village, California.

19 Q. And what is your current grade  
20 level?

21 A. 23.

22 Q. How long have you been employed  
23 with McGraw-Hill?

24 A. Since February 2005.

25 Q. What is your current salary?

1 Kenneth Caruso

2 A. 192,000 and change.

3 Q. And with that, you have additional  
4 benefits, pension benefits, health  
5 benefits, correct?

6 A. I do.

7 Q. In February 2005, where were you  
8 employed?

9 A. In New York City.

10 Q. Where in New York City?

11 A. With McGraw-Hill, with the  
12 Business Week organization.

13 Q. What was the address of your  
14 office?

15 A. 1221 Avenue of the Americas.

16 Q. What floor were you located on?

17 A. The 47th floor.

18 Q. And what was your position when  
19 you first started with McGraw-Hill in New  
20 York City?

21 A. Senior director of human resources  
22 for Business Week.

23 Q. And how long were you senior  
24 director of HR for Business Week?

25 A. From my start on February of 2005

1 Kenneth Caruso

2 through July 31st of 2006.

3 Q. And from July 31, 2006, did you  
4 remain employed with McGraw-Hill?

5 A. I did.

6 Q. And where did you go?

7 A. Transferred out to JD Power &  
8 Associates.

9 Q. Who made the decision that you  
10 transfer to JD Power & Associates?

11 A. I did.

12 Q. When did you make that decision?

13 A. The opportunity was first  
14 presented to me in April of 2006, and over  
15 the course of the next few weeks, I made  
16 the decision to transfer.

17 Q. And how did the opportunity  
18 present itself?

19 A. Through my supervisor at the time,  
20 Brett Marschke.

21 Q. What was his title?

22 A. I believe it was vice president of  
23 human resources for the information and  
24 media segment.

25 Q. Were you a direct report of Brett

1 Kenneth Caruso

2 Q. That would include you as well,  
3 correct?

4 A. Correct.

5 Q. How did you do that; how did you  
6 strongly encourage mid-year reviews while  
7 you were at Business Week?

8 A. Through training on the  
9 application and communications to  
10 managers.

11 Q. Did you abide by what you strongly  
12 encouraged?

13 A. Can I ask for a clarification?

14 MR. SOLOTOFF: I'll rephrase the  
15 question.

16 Q. Did you lead in providing mid-year  
17 reviews of your subordinates?

18 A. I did provide my subordinates with  
19 mid-year reviews.

20 Q. And that includes Jesan Spencer?

21 A. It does.

22 Q. Sheila Mitchell?

23 A. It does.

24 Q. The mid-year reviews that you  
25 speak of, were those reduced to writing?

1 Kenneth Caruso

2 A. The mid-year reviews were  
3 documented in writing in the application,  
4 but also delivered to the employee  
5 verbally in conversation.

6 Q. You said document --

7 MR. SOLOTOFF: Can you read back  
8 the answer.

9 (Record was read back.)

10 Q. What application are you referring  
11 to?

12 A. The PMP application.

13 Q. The PMP application says mid-year  
14 review?

15 A. There is a field within the PMP  
16 application that allows managers to  
17 document a mid-year review.

18 Q. Was the mid-year review of Jesan  
19 Spencer in writing?

20 A. Yes. There was a written review  
21 and also a verbal conversation at the  
22 time.

23 Q. Did you sign the written review?

24 A. The mid-year did not incorporate a  
25 manager's signature.

1 Kenneth Caruso

2 competency number 2, how did you rate her  
3 as communicate effectively?

4 A. I rated her as "requires  
5 development".

6 Q. And then you wrote a manager's  
7 comment subsequent to that?

8 A. I did.

9 Q. And those are your comments of  
10 her, correct, that's listed on Bates stamp  
11 4001?

12 A. I wrote these comments. They are  
13 reflective of my own feedback, as well as  
14 feedback that I had solicited about Jesan  
15 from some of the Business Week managers.

16 Q. And with respect to section 2,  
17 competency assessment, competency number  
18 4, which is, I think, "lead by example"?

19 MS. BLOOM: I'm sorry, Bates  
20 number, please?

21 MR. SOLOTOFF: Bates number  
22 Spencer 4002.

23 Q. How did you rate her?

24 A. I rated her as proficient.

25 Q. And the manager's comments were



1 Kenneth Caruso

2 MS. BLOOM: Would you mind saying  
3 the Bates numbers for me?

4 MR. SOLOTOFF: Bates-stamped  
5 Spencer 4004.

6 Q. You wrote, "in most situations,  
7 Jesan takes ownership for her tasks up  
8 front", correct?

9 A. I did.

10 Q. And you wrote, "the issue was,  
11 again, one of timeliness, her sense of  
12 urgency", which you said, "which is often  
13 lacking, and her ultimate follow-through  
14 to closure".

15 That's what you wrote?

16 A. I did.

17 Q. And you ranked her as proficient;  
18 is that correct?

19 A. I did.

20 Q. And, below that, you have  
21 "collaboration and integration", which is  
22 on the same Bates stamp page. And in this  
23 assessment, you rated her highly  
24 proficient; isn't that correct?

25 A. I did.

1 Kenneth Caruso

2 Q. And you wrote, "Jesan does have  
3 strong working relationships and  
4 collaborative interactions with many  
5 individuals. I find her to be engaging  
6 and more than willing to offer her  
7 assistance up front, when requested.  
8 Going forward, I do want Jesan to take  
9 greater initiative in approaching me when  
10 she feels she has excess capacity or can  
11 accomplish something more. I have not  
12 seen this behavior from her to date,  
13 consistently, despite verbal feedback to  
14 this effect in her mid-year review".

15 You wrote that?

16 A. I did.

17 Q. When was her mid-year review?

18 A. It would have occurred in August  
19 of 2005. The exact date, I don't recall.

20 Q. In the next assessment, which is  
21 on Spencer 4005, you listed her as  
22 proficient, correct?

23 MS. BLOOM: That's the same  
24 assessment that you were just reading  
25 from?

1 Kenneth Caruso

2 well aware that your question implies  
3 information that's not accurate and  
4 doesn't accurately reflect his earlier  
5 testimony.

6 MR. SOLOTOFF: Again, you're  
7 speaking for him.

8 MS. BLOOM: I'm not speaking for  
9 him.

10 Q. Do you recall your earlier  
11 testimony?

12 MS. BLOOM: Excuse me. I'm not  
13 speaking for him, but it is my job to  
14 insure that the questions are  
15 appropriate, and that one wasn't.

16 MR. SOLOTOFF: It is.

17 MS. BLOOM: We'll have to agree to  
18 disagree on that.

19 MR. SOLOTOFF: Okay.

20 Q. Was Jesan Spencer transferred to  
21 BIG?

22 A. Jesan began working with BIG, I  
23 think, on May 31st, 2006.

24 Q. On May 31st, 2006, when she began  
25 working at BIG, was that as a result of a

1 Kenneth Caruso

2 transfer?

3 A. It was as a result of a transfer.

4 Q. Did you approve of the transfer?

5 MS. BLOOM: Object to the form of  
6 the question. You can answer.

7 A. I was not involved at all in the  
8 transfer discussions.

9 Q. Whether you were involved in the  
10 transfer discussions or not, did you  
11 approve of the transfer?

12 MS. BLOOM: Object to the form of  
13 the question. You can answer.

14 A. I was not asked to approve.

15 Q. Did you fight for Jesan Spencer to  
16 stay in her job under your supervision?

17 A. I did not.

18 MR. SOLOTOFF: I'd like to have  
19 this marked as Caruso number 2. It  
20 had been previously marked as O'Neill  
21 12.

22 (Caruso Exhibit 2 was marked for  
23 identification).

24 Q. Can you, please, identify this  
25 document.

1 Kenneth Caruso

2 Q. Have you ever heard of employees  
3 complaining that -- about being managed  
4 out of the company?

5 A. Have I ever heard employees  
6 complaining about being managed out of the  
7 company?

8 Q. Yes.

9 A. I have not been involved in  
10 conversations on that topic, as it relates  
11 to the broader McGraw-Hill corporation.  
12 The vocabulary for the business, in my  
13 experience within McGraw-Hill, always  
14 referenced the specific business area or  
15 business unit in which you were working.  
16 In this case, Business Week.

17 Q. It doesn't use the words,  
18 "Business Week" does it, in this sentence?

19 A. It does not.

20 Q. Have you ever heard the expression  
21 made by an employee that they felt that  
22 they were being managed out of the  
23 company? Have you ever heard that  
24 expression, by any employee, while you  
25 were a senior director of human resources?

1 Kenneth Caruso

2 A. I have heard the term. It's not  
3 one that we use particularly within  
4 McGraw-Hill.

5 Q. Have you ever heard the term, in  
6 McGraw-Hill, by employees that they  
7 complained that they're being set up to  
8 fail?

9 MS. BLOOM: Object to the form of  
10 the question. You can answer.

11 A. Again, I'm aware of that concept.  
12 It's not one about which I've heard  
13 specific complaints at McGraw-Hill.

14 Q. What does that concept mean to  
15 you?

16 A. It actually references, in my  
17 opinion, the way that goals are defined  
18 and their adherence to those SMART  
19 principles that we discussed. In other  
20 words, if a goal is not specific,  
21 measurable, achievable or relevant, then,  
22 the employee's ability to be successful  
23 against those goals might be called into  
24 question.

25 Q. Did there come a time where you

1 Kenneth Caruso

2 learned that Jesan Spencer had made a  
3 complaint about your conduct as a  
4 supervisor?

5 MS. BLOOM: Object to the form of  
6 the question. You can answer.

7 A. I am aware that Jesan had made a  
8 complaint about my conduct. I don't  
9 believe it was specifically related to my  
10 supervision of her.

11 Q. Weren't you her supervisor?

12 A. I was.

13 Q. And what was the nature of the  
14 complaint concerning your conduct?

15 A. "I believe that she had complained  
16 about my use of language in the office.

17 Q. What kind of language?

18 MS. BLOOM: What kind of language  
19 did she complain about; is that the  
20 question?

21 Q. You referred to language.

22 What do you mean by language?

23 MR. SOLOTOFF: I'll rephrase the  
24 question.

25 A. My reference is to colorful

1 Kenneth Caruso

2 language.

3 Q. What does that mean?

4 A. Curse words.

5 Q. What curse words?

6 A. As I recall, it was about my use  
7 of the word, "bitch" and the word, "fuck".

8 Q. Do you deny ever using those words  
9 in the presence of Jesan Spencer?

10 MS. BLOOM: Objection to the form  
11 of the question. You can answer.

12 MR. SOLOTOFF: I'll rephrase the  
13 question.

14 Q. Did you use the word "bitch" in  
15 the presence of Jesan Spencer?

16 A. I did. It was never a reference  
17 to Jesan, and only used as an expletive in  
18 the context of phrases like "son of a  
19 bitch" or "what a bitch", meaning bitch of  
20 a situation, etcetera.

21 Q. Did it refer to a woman -- women  
22 as being bitches, like, "she's a bitch"?

23 A. Not that I recall.

24 Q. If Jesan said that you made the  
25 reference to the word bitches in reference



1 Kenneth Caruso

2 to women, in her presence, would she be  
3 lying?

4 A. She would be.

5 Q. Do you think the word bitch is an  
6 appropriate word in the workplace?

7 A. I do not.

8 Q. Do you think it's appropriate to  
9 use the reference of regarding a bitch, as  
10 offensive to Jesan Spencer?

11 MS. BLOOM: Object to the form of  
12 the question. You can answer.

13 THE WITNESS: I'm sorry, I didn't  
14 understand the question.

15 MR. SOLOTOFF: I'll rephrase the  
16 question.

17 Q. How often did you use the word  
18 bitch in Jesan Spencer's presence?

19 MS. BLOOM: Objection.

20 Mischaracterizes his testimony. You  
21 can answer.

22 A. I'm not aware of the exact number  
23 of times.

24 Q. Was it more than once?

25 A. It was.

1 Kenneth Caruso

2 Q. Was it more than ten times?

3 A. Approximately ten.

4 Q. Was it every day?

5 A. Not to my recollection.

6 Q. Almost every day?

7 A. No. My use of the word would  
8 occur in high stress situations, when  
9 there was a large volume of work to get  
10 done and I would become stressed as a  
11 result of, you know, outside factors.

12 Q. Give us every context in which you  
13 used the word bitch.

14 A. I'm sorry?

15 Q. Give us every context in which you  
16 used the word bitch.

17 A. As I said, it was a -- as an  
18 expletive, to blow off steam, and usually  
19 as part of, you know, one of two phrases;  
20 either "son of a bitch" or "what a bitch",  
21 to refer to the situation.

22 Q. Ms. Spencer complained about your  
23 use of the word bitch.

24 Was it appropriate for her to  
25 complain about it, if you used it in the

1 Kenneth Caruso

2 context in which you just described?

3 A. It was.

4 MR. SOLOTOFF: Read my question  
5 again, and his answer, please.

6 (Record was read back).

7 Q. Why was it appropriate for her to  
8 complain?

9 A. Because those are inappropriate  
10 words for the workplace, and they made her  
11 uncomfortable.

12 Q. Could you see if she was -- could  
13 you see, by looking at her, whether she  
14 was uncomfortable when you made those  
15 statements?

16 A. I was unaware that she was being  
17 made uncomfortable by these words, until  
18 her complaint was brought to my attention  
19 from Brett.

20 Q. When was it brought to your  
21 attention?

22 A. I believe, in December of 2005.

23 Q. Could you understand how Jesan  
24 Spencer, as an African/American female,  
25 would be offended by the use of the word

1 Kenneth Caruso

2 bitch in any context?

3 MS. BLOOM: Object to the form of  
4 the question. You can answer.

5 A. I can understand how Jesan, as a  
6 female, regardless of race, could be  
7 offended by the use of the word, or how  
8 any individual, male or female, could be  
9 offended.

10 Q. Brett told you in December 2005  
11 that Jesan Spencer complained to him about  
12 your language; is that correct? Was that  
13 your testimony?

14 A. Yes.

15 Q. When in December 2005?

16 A. I don't remember.

17 Q. Is there a document that would  
18 refresh your recollection as to when he  
19 told you?

20 A. Not to my knowledge.

21 Q. Where were you when he told you  
22 about Jesan Spencer's complaints to him?

23 A. In his office.

24 Q. Tell us what the circumstances  
25 were that led you to be in his office at

1 Kenneth Caruso

2 the time that he told you about Jesan  
3 Spencer's complaints.

4 A. As I recollect, we were meeting on  
5 other issues, and at the -- toward the  
6 close of our meeting, Brett referenced to  
7 me the fact that Jesan had been to see him  
8 and had registered her complaint regarding  
9 my inappropriate use of the word.

10 Q. Was he specific as to which word  
11 he was referring to?

12 A. Yes, he was.

13 Q. What was that?

14 A. Bitch.

15 Q. What did he say to you and what  
16 did you say to him in regard to that  
17 conversation?

18 A. I don't remember the specifics of  
19 the conversation, other than that he  
20 mentioned that Jesan had been to see him,  
21 that she had complained, that he did coach  
22 me during the conversation that such  
23 language was inappropriate from me, and  
24 that I was not to continue using that kind  
25 of language, that word.

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Kenneth Caruso

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I responded that I was sorry, that I was embarrassed, and I asked him if he thought it an okay idea for me to speak with Jesan, to apologize to her, which, subsequently, I did.

We met one-on-one, which I -- I apologized to her, I committed -- I told her that actually I had not ever gotten that kind of feedback before, so I was grateful that it had been brought to my attention, and that I would endeavor not to -- I would not use the word again.

I also asked her, as part of that conversation, to, quote unquote, "keep me honest on it", and if there were situations in which I inadvertently used the word, to bring it to my attention immediately. And she agreed to do that.

Q. When did you have that conversation with Jesan Spencer?

A. It was shortly after my conversation with Brett.

Q. A day later, two weeks later?

A. Probably two days later.

1 Kenneth Caruso

2 Q. Did you make notes of that  
3 conversation you had with Jesan Spencer?

4 A. I did not.

5 Q. Why not?

6 A. I did not.

7 Q. Didn't Jesan Spencer complain to  
8 you about your language and the use of the  
9 word, bitch, prior to your learning about  
10 her complaint from Brett Marschke?

11 A. I don't recall that.

12 Q. Didn't she tell you a number of  
13 times that she found your language, using  
14 the word, bitch, as being offensive to  
15 her, as an African/American female, at any  
16 time?

17 A. Not to my recollection.

18 Q. Do you think Ms. Spencer would  
19 remember doing that?

20 MS. BLOOM: Objection to the form  
21 of the question.

22 A. I'm not sure as to what Ms. Jesan  
23 would remember or not remember.

24 Q. After you -- you said you  
25 apologized to Jesan Spencer, correct?

1 Kenneth Caruso

2 A. I did.

3 Q. What were your words?

4 A. At the time?

5 Q. Yes.

6 A. I would have said, I'm sorry.

7 Q. What did you say?

8 A. I believe I said, I'm sorry.

9 Q. Did you say what you were sorry  
10 about?

11 A. For using the word and for  
12 offending her.

13 Q. After that, did you continue to  
14 use the word, bitch, in her presence?

15 A. Not to my recollection, no. I do  
16 remember a number of weeks after that  
17 first conversation, actually speaking with  
18 her again on the topic, to ask if, in  
19 accordance with my original commitment to  
20 her to stop, I had, in fact, stopped. And  
21 she -- her feedback to me, at the time,  
22 was that yes.

23 Q. When was that conversation?

24 A. Probably three weeks afterwards,  
25 four weeks after.



1 Kenneth Caruso

2 Q. Four weeks after your initial  
3 apology?

4 A. My initial apology. A number of  
5 weeks afterwards.

6 Q. After that conversation, did you  
7 then continue to use the word, bitch, in  
8 her presence?

9 A. I don't think so.

10 Q. You're not sure?

11 A. No, I'm sure I did not.

12 Q. Did you have any other  
13 conversations with Brett Marschke  
14 regarding Jesan Spencer's complaints,  
15 other than the one you've already  
16 testified to?

17 A. Not another conversation, as it  
18 related to my use of language. There was,  
19 later then, in 2006, another complaint  
20 that Jesan made, I believe first to Sheila  
21 O'Neill and then to Brett. Brett found  
22 out through Sheila.

23 Q. When was that conversation with  
24 Brett concerning Sheila O'Neill's comment  
25 to Brett?

1 Kenneth Caruso

2 A. In March, April, 2006.

3 Q. Where did that conversation take  
4 place?

5 A. Where?

6 Q. Yes. With Brett Marschke,  
7 concerning the comments of Sheila O'Neill  
8 to him.

9 A. Again, in his office.

10 Q. What were the circumstances that  
11 led you to be in his office at that time?

12 A. I was regularly in Brett's office,  
13 so I don't know the specific full agenda  
14 of that conversation or meeting. I do  
15 know that one of the agenda items that we  
16 talked about was this complaint.

17 Q. What did he say to you and what  
18 did you say to him in this conversation?

19 A. He told me that Jesan had spoken  
20 to Sheila O'Neill and that she had  
21 described a -- an event, a situation where  
22 I had been speaking to Jesan, and at the  
23 end of our discussion, I had grabbed my  
24 crotch.

25 Q. And did he say anything else?

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Kenneth Caruso

A. He told me that Sheila would be speaking to me soon about the issue.

Q. What did you say to him?

A. I was shocked, and recollected the conversation that Jesan had referenced, but told him that her account of me grabbing my crotch was not true.

Q. What else did you say to him?

A. I told him that that was -- that that action was simply not one that I had ever done in my life, and so that's why I was certain that it had not occurred.

Q. This conversation you had with Brett Marschke, concerning this complaint about grabbing your crotch, was anyone else present?

A. No.

Q. Did you make notes of that conversation?

A. I did not.

Q. This conversation was in March 2006?

MS. BLOOM: Objection.

Mischaracterizes his testimony. I

1 Kenneth Caruso

2 believe he said he couldn't remember  
3 exactly when it was.

4 MR. SOLOTOFF: Excuse me. Now  
5 you're telling him what his testimony  
6 was. Let the record reflect that  
7 she's making speaking objections.

8 I'll rephrase the question.

9 MS. BLOOM: I wasn't making a  
10 speaking objection. The objection of  
11 mischaracterizing someone's testimony  
12 is a fair objection, and it's actually  
13 inappropriate for you to  
14 mischaracterize his testimony. So, I  
15 stand by my objection.

16 Q. When did you have this meeting  
17 with Brett Marschke, the one you're  
18 describing?

19 A. I believe it was in April, 2006.

20 Q. What gives you that belief?

21 A. Because I know it was only a  
22 number of weeks before then I was told  
23 that Jesan would be taking a new position  
24 within the BIG HR team, which occurred at  
25 the end of May.

1 Kenneth Caruso

2 Q. When were you told that she would  
3 be taking a position in BIG; was that  
4 before or after this conversation about  
5 grabbing your crotch?

6 A. It was after the conversation  
7 about grabbing my crotch.

8 Q. Did you discuss that complaint  
9 with -- that you just learned of with  
10 Brett Marschke, with Jesan Spencer?

11 A. I did not. The -- I think within  
12 24 or 48 hours, I spoke to Sheila O'Neill,  
13 who documented my description of events, I  
14 think.

15 Q. Did you see those documents --

16 A. Sheila --

17 Q. I'm sorry, I don't mean to  
18 interrupt. Go ahead.

19 A. Sheila told me that Jesan would be  
20 taking a few days of vacation, I think,  
21 and so she and I -- Jesan and I did not  
22 discuss the incident.

23 Q. What did you tell Sheila O'Neill  
24 happened in response to the complaint  
25 about grabbing your crotch?

1 Kenneth Caruso

2 A. I told her that the conversation  
3 that Jesan was referencing had happened  
4 toward the end of the day, about 4:30 in  
5 the afternoon, when I was headed  
6 downstairs to the floor in which Business  
7 Week senior managers were located.

8 And, so, because it was close to the  
9 end of the day, and I didn't think I would  
10 see Jesan that again that day, I just  
11 stepped into her cube to talk about a  
12 couple of business-related things, and it  
13 was a three-minute conversation,  
14 four-minute conversation, and then I left.  
15 I went downstairs.

16 Q. Was the conversation with Jesan  
17 Spencer?

18 A. Yes.

19 Q. And did you grab your crotch in  
20 that three-minute conversation?

21 A. I did not.

22 Q. What did you tell Sheila O'Neill  
23 happened?

24 A. I told her definitively that I had  
25 not grabbed my crotch. I told her that

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Kenneth Caruso

there was a possibility that perhaps I had adjusted my shirt at my belt line, because I had been losing some weight and my clothes were not fitting properly. But, even that, I told that to Sheila, but mentioned to her that that was speculation on my part, so I had no recollection.

Q. When was this conversation, was it before or after Jesan Spencer went to BIG?

A. It was before she went to BIG.

Q. Did there come a time that you learned that Jesan Spencer, along with three other individuals, filled an EEOC complaint with the Equal Employment Opportunity Commission?

A. Yes. I believe that was in February, 2006.

Q. Did you see that complaint?

A. I did not, to my recollection.

Q. Did someone read it to you?

A. I did have a --

MS. BLOOM: If you're going to talk about any conversations with counsel, I'm going to direct you on

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Kenneth Caruso

Q. Did Brett Marschke ever share with you his notes regarding Sheila Mitchell's complaints to him about your profanity?

A. Never.

Q. Did Brett Marschke share his notes with you about Jesan Spencer's complaints to him about your use of the word, bitch?

A. Never. I was not aware that there were notes.

Q. Did Sheila O'Neill show you her notes about Jesan Spencer's complaints about your behavior towards her that was offensive?

A. Never.

MS. BLOOM: I'm sorry, I had an objection to the form of that question. He just answered too quickly.

Q. Did you have an occasion to speak to Sheila O'Neill about Jesan Spencer before she left to go to BIG?

A. My conversations with Sheila O'Neill about -- that referenced Jesan were strictly around the incident where



1 Kenneth Caruso

2 it's alleged that I grabbed myself. So,  
3 yes, that occurred before Jesan's  
4 transfer.

5 Q. Now, I think you said you  
6 described to Sheila O'Neill adjusting your  
7 shirt; is that what you said to her?

8 A. Yes.

9 Q. And when you say, adjusting your  
10 shirt, you mean pushing it down below your  
11 belt?

12 A. Either, frankly. I mean, either  
13 pull it out a bit, if it felt too tight,  
14 or tucking it back into my belt.

15 Q. How could tucking your shirt into  
16 your belt be perceived as grabbing your  
17 crotch?

18 A. I don't know. I never -- my  
19 description of tucking my shirt, or  
20 adjusting my shirt at my belt line, was  
21 simply speculation on my part to try to  
22 conceive how Jesan might have interpreted  
23 my action as grabbing myself. I never  
24 presented it as the reason, because I was  
25 unsure from the very start.